

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant: §
Yossi Bar-Erez §
Serial No.: 09/581,990 §
Filed: Jun 21, 2000 § Group Art Unit: 1734
For: Method And Apparatus For Making § Attorney
Three-Dimensional Objects §
Examiner: Mark A Osele § Docket: 1529/7
§
§

Commissioner of Patents and Trademarks
Alexandria, Virginia 22313-1450

RE-PETITION

Sir:

This is in response to the United States Patent and Trademark Office Decision on Petition mailed August 3, 2007 (copy enclosed), in which it was indicated that Petition is dismissed.

In filing this petition, Appellant wish to clarify that it is the timing of the issuance of the Notice of Abandonment that is at issue here, in so much as that a CIP serial number 11/623,342 was filed on 16 January 2007, which in the opinion of the Appellant, is considered a timely filing. However, the validity of such CIP is directly effected by the contested issuance of the Notice of Abandonment of the instant application.

Appellant respectfully points out that the Decision of the Board of Appeals was issued on 16 November 2006 and the mailing date of the Notice of Abandonment is 27 November 2006, a mere eleven days after the Board issued its Decision.

Appellant asserts that this is clearly counter to the guidelines for considering an application to be abandoned as outlined by the MPEP §1214.06, which states:

“...The time for seeking review of a decision of the Board by the Court of Appeals for the Federal Circuit or the U.S. District Court for the District of Columbia is the same for both tribunals, that is, 2 months, or 2 months with the extension provided by 37 CFR 1.304 in the event a request for rehearing is

timely filed before the Board, or as extended by the *>Director<. See MPEP § 1216. When the time for seeking court review (plus 2 weeks to allow for information as to the filing of an appeal or civil action, if any, to reach the examiner) has passed without such review being sought, the examiner must take up the application for consideration. The situations which can arise will involve one or more of the following circumstances:

1. NO CLAIMS STAND ALLOWED

The proceedings in an application or *ex parte* reexamination proceeding are terminated as of the date of the expiration of the time for filing court action. The application is no longer considered as pending. It is to be stamped abandoned and sent to abandoned files. In an *ex parte* reexamination proceeding, a reexamination certificate should be issued under 37 CFR 1.570..."

Therefore, Appellant asserts that the instant application should not have been deemed "Abandoned" and a Notice of Abandonment issued at any time prior to 16 January 2007, two months after the Decision by the Board of Appeals was rendered.

Therefore, Appellant requests that the Notice of Abandonment mailed 27 November 2006 be rescinded and a new Notice of Abandonment be issued in keeping with the guidelines of the MPEP as outlined above. Thereby verifying the timeliness of the filing of CIP serial number 11/623,342 on 16 January 2007.

Respectfully submitted,



Mark M. Friedman
Attorney for Applicant
Registration No. 33,883

Date: September 3, 2007